

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Jan 28, 2025**

SEAN F. McAVOY, CLERK

***Amended Petition for Warrant or Summons for Offender Under Supervision***

Name of Offender: Ryan Creighton Gardner

Case Number: 0980 4:19CR06009-SAB-1

Address of Offender: [REDACTED] Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: June 12, 2019

Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2252A(a)(2)(A), (b)(1)

Original Sentence: Prison - 60 months;  
TSR - 120 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 3 Months;  
(May 1, 2024) TSR- 102 months

Asst. U.S. Attorney: Laurel Holland

Date Supervision Commenced: June 17, 2024

Defense Attorney: Nick Mirr

Date Supervision Expires: December 16, 2032

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**PETITIONING THE COURT**

**The petition, dated December 5, 2024, (ECF No. 104) is hereby amended to reflect corrected information in violations #1 and #2, which have been italicized. Additionally, violation #3 was added.**

On June 17, 2024, a probation officer reviewed the judgement with Mr. Gardner. He stated he understood the conditions of his supervision and signed a copy of his judgment.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<b><u>Special Condition # 16:</u></b> You are prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other media that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). You must not enter any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. You must not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, credit cards and bank statements.
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**Supporting Evidence:** On or about September 23, 2024, Ryan Gardner allegedly violated special conditions number 16 by possessing media that depicted sexually explicit conduct.

On September 23, 2024, Mr. Gardner was subject to a maintenance polygraph as regularly

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scheduled. Based on the physiological responses he produced, the polygrapher opined the offender had been untruthful when he was asked if he had viewed pornography since his last polygraph. In the post-interview, the offender denied using any other pornographic images for his immediate sexual gratification. The offender subsequently sent an email to the undersigned officer to report he had used some videos of adults (clothed) for the purposes of sexual gratification and had failed the polygraph.

On September 26, 2024, the offender reported to the U.S. Probation Office to meet with the undersigned officer as scheduled. Mr. Gardner admitted to using YouTube videos for sexual gratification. When questioned what search words he used, he responded with “Yoga” and “clothing haul.”

Due to concerns that were raised in his recent maintenance polygraph, the undersigned officer inspected Mr. Gardner’s cell phone and discovered all of the YouTube history was deleted. *Because the information was deleted, the undersigned officer was not able to confirm what videos Mr. Gardner viewed.*

- 2      **Special Condition # 3:** You must not use any software program or device designed to hide, alter or delete records/logs of your computer usage, Internet activities, or the files stored on the assigned computer. This includes the use of encryption, steganography (the art and science of hiding a message in a medium, such as a digital picture or audio file, so as to defy detection), and cache/cookie removal software.

**Supporting Evidence:** Mr. Gardner is considered to be in violation of his conditions of supervised release by altering or deleting records/logs of his computer usage on or before August 26, 2024.

On September 26, 2024, Mr. Gardner’s cell phone was confiscated and sent to the Forensic Examination Laboratory in the District of Utah, for a forensic analysis. Based on this search, it was revealed Mr. Gardner has deleted the YouTube browser history on or before August 26, 2024. Also it was noted, “YouTube History” was visited through the Chrome Browser on September 24, 2024.

*On January 24, 2025, the undersigned officer spoke with U.S. Probation Officer Specialist Matthew Birnbaum . Mr. Birnbaum stated the examination also revealed Mr. Gardner had deleted items in different categories such as activity logs, system notifications, application logs, contacts, calls, messages, cookies, web history and more.*

- 3      **Special Condition #20:** You must actively participate and successfully complete an approved state-certified sex offender treatment program. You must follow all lifestyle restrictions and treatment requirements of the program. You must participate in special testing in the form of polygraphs, in order to measure compliance with the treatment program requirements. You must allow reciprocal release of information between the supervising officer and the treatment provider. You must pay for treatment and testing according to your ability.

**Supporting Evidence:** Mr. Gardner is considered to be in violation of his conditions of supervised release by failing to comply with his sex offender treatment program on or before September 26, 2024.

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On October 23, 2024, the sex offender treatment provider, Siri Gillespie with Tending Roots, reported Mr. Gardner to be in noncompliance with his treatment plan as he had not been honest with the provider that he had been accessing and viewing YouTube videos for sexual arousal and masturbation purposes.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation contained in this petition in future proceedings with violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 28, 2025

s/Maria Balles

Maria Balles  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

1/28/2025

Date